

Message Text

UNCLASSIFIED

PAGE 01 GENEVA 05928 01 OF 03 251116Z

10

ACTION ACDA-10

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-10 CIAE-00 DODE-00

EA-10 EUR-12 PM-03 H-02 INR-07 L-03 NASA-02 NEA-10

NSAE-00 NSC-05 OIC-02 SP-02 PA-02 PRS-01 OES-05 SS-15

USIA-15 SAJ-01 NRC-07 /141 W
----- 066116

R 250925Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 4918

INFO USDEL SALT TWO GENEVA

ERDA/GERMANTOWN

UNCLAS SECTION 1 OF 3 GENEVA 5928

DISTO

EO: 11652: N/A

TAGS: PARM CCD

SUBJ: CCD - SECOND DRAFT OF NWFZ STUDY, CHAPTER VI

FOLLOWING IS TEXT OF SECOND DRAFT OF CHAPTER SIX (NUCLEAR-WEAPON-FREE ZONES AND INTERNATIONAL LAW) DISTRIBUTED TO EXPERTS JULY 24.

BEGIN TEXT:

VI. NUCLEAR-WEAPON-FREE ZONES AND INTERNATIONAL LAW RELATIONSHIP WITH INTERNATIONAL LAW

1. ARRANGEMENTS FOR THE EXCLUSION OF NUCLEAR WEAPONS FROM AREAS OF THE GLOBE WHEREEVER SUITABLE CONDITIONS EXIST FULLY CONFORM WITH THE PROVISIONS OF THE UNITED NATIONS CHARTER, AND PARTICULARLY WITH ITS ARTICLE 1 UNDER WHICH STATES UNDERTAKE "TO TAKE EFFECTIVE COLLECTIVE MEASURES FOR THE PREVENTION AND REMOVAL OF THREATS TO THE PEACE ..., TO DEVELOP FRIENDLY RELATIONS AMONG NATIONS ... AND TO TAKE OTHER APPROPRIATE MEASURES TO STRENGTHEN UNIVERSAL PEACE".

2. THE CREATION OF NUCLEAR-WEAPON-FREE ZONES CONFORMS ALSO WITH
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 05928 01 OF 03 251116Z

THE PROVISIONS OF ARTICLE 52 OF THE CHARTER, WHICH ENVISAGES THE

EXISTENCE OF REGIONAL ARRANGEMENTS OR AGENCIES FOR DEALING WITH SUCH MATTERS RELATING TO THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY AS ARE APPROPRIATE FOR REGIONAL ACTION, PROVIDED THAT SUCH ARRANGEMENTS OR AGENCIES AND THEIR ACTIVITIES ARE CONSISTENT WITH THE PURPOSES AND THE PRINCIPLES OF THE CHARTER. REFERENCE SHOULD ALSO BE MADE TO ARTICLE 51 OF THE CHARTER RELATING TO THE INHERENT RIGHT OF STATES TO INDIVIDUAL OR COLLECTIVE SELF-DEFENCE.

3. THE ESTABLISHMENT OF SUCH ZONES IS FURTHERMORE IN CONFORMITY WITH THE CUSTOMARY LAW RELATING TO DEMILITARIZED ZONES.

4. THE FORMATION OF A NUCLEAR-WEAPON-FREE ZONE WHOULD BE EFFECTED IN ACCORDANCE WITH THE PURPOSES AND THE PRINCIPLES OF THE UNITED NATIONS CHARTER AND THE FUNDAMENTAL PRINCIPLES GUIDING THE MUTUAL RELATIONS OF STATES. OF THESE THE FOLLOWING ARE ESPECIALLY PERTINENT TO THE CONTEXT OF NUCLEAR-WEAPON-FREE ZONES: SOVEREIGN EQUALITY AND RESPECT FOR THE RIGHTS INHERENT IN SOVEREIGNTY; REFRAINING FROM THE THREAT OR USE OF FORCE; THE INVIOABILITY OF FRONTIERS; THE TERRITORIAL INTEGRITY OF STATES; PEACEFUL SETTLEMENT OF DISPUTES; NON-INTERVENTION IN INTERNAL AFFAIRS; EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES; THE RIGHT OF SELF-DEFENCE; CO-OPERATION AMONG STATES, AND FULFILMENT IN GOOD FAITH OF OBLIGATIONS UNDER INTERNATIONAL LAW.

5. IN FULL COMPLIANCE WITH THESE PRINCIPLES, IT IS UNANIMOUSLY RECOGNIZED THAT THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE SHOULD BE PART OF A SYSTEM OF MEASURES AIMED AT NUCLEAR AND GENERAL AND COMPLETE DISARMAMENT. THE VIEW WAS ALSO EXPRESSED THAT THE TREATIES ESTABLISHING SUCH ZONES SHOULD BE CAPABLE OF EXTENDING NOT ONLY THE GEOGRAPHICAL AREA OF THE ZONE BUT OF ITS DISARMAMENT AND OTHER PEACEFUL OBJECTIVES. THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE, IT WAS STATED, WAS NOT TO BE REGARDED AS AN END IN ITSELF, BUT AS A MEANS TOWARDS THE WIDER OBJECTIVES OF INTERNATIONAL PEACE AND SECURITY AND NON-PROLIFERATION. IT WAS STRESSED THAT THIS EVENTUAL EXTENSION TO OTHER AREAS OF DISARMAMENT WAS PARTICULARLY NECESSARY TO ENSURE THE SECURITY OF THOSE STATES THAT HAD RENOUNCED NUCLEAR WEAPONS.

6. MANY EXPERTS EMPHASIZED THAT STATES FORMING A NUCLEAR-WEAPON-FREE ZONE SHOULD RECEIVE NEGATIVE AND POSITIVE SECURITY ASSURANCES

UNCLASSIFIED

PAGE 03 GENEVA 05928 01 OF 03 251116Z

FROM THE NUCLEAR-WEAPON STATES, AND THEY MAINTAINED THAT THIS WAS A RIGHT DERIVING BOTH FROM THE GENERAL PRINCIPLES OF INTERNATIONAL LAW WHICH REQUIRE STATES TO REFRAIN IN THEIR INTERNATIONAL RELATIONS FROM THREAT OR USE OF FORCE, AND THE NATURE OF OBLIGATIONS THEY UNDERTOOK IN CREATING THE NUCLEAR-WEAPON-FREE ZONE. OTHER EXPERTS, WHILE AGREEING THAT SUCH ASSURANCES COULD CONTRIBUTE TO THE EFFECTIVENESS OF A ZONE, DID NOT AGREE THAT ASSURANCES COULD BE CONSIDERED A RIGHT UNDER INTERNATIONAL LAW. IN THE VIEW OF

THESE EXPERTS, THE QUESTION OF COMMITMENTS BY OUTSIDE STATES, LIKE THE ESTABLISHMENT OF THE ZONE ITSELF, COULD ONLY BE RESOLVED THROUGH MUTUAL AGREEMENT. SOME EXPERTS EMPHASIZED, IN ADDITION, THAT THE CHARACTER OF ANY AGREEMENT ON ASSURANCES WOULD HAVE TO TAKE INTO ACCOUNT REGIONAL FACTORS, INCLUDING EXISTING SECURITY ARRANGEMENTS, SO THAT IT WOULD BE UNREASONABLE TO EXPECT THE SAME ASSURANCES IN ALL CASES.

7. IT IS RELEVANT THAT POSITIVE SECURITY ASSURANCES WERE EXTENDED BY THREE NUCLEAR-WEAPON STATES TO NON-NUCLEAR-WEAPON STATES PARTY TO THE NON-PROLIFERATION TREATY IN 1968, AND THAT THIS ACTION WAS RECOGNIZED IN SECURITY COUNCIL RESOLUTION 255 OF 19 JUNE 1968 WHICH CHARGED THE SECURITY COUNCIL, AND PARTICULARLY THE NUCLEAR-WEAPON MEMBERS, TO ACT IMMEDIATELY TO PROVIDE ASSISTANCE TO ANY NON-NUCLEAR STATE ATTACKED OR THREATENED BY ATTACK, BY NUCLEAR WEAPONS. REFERENCE HAS ALSO BEEN MADE TO GENERAL ASSEMBLY RESOLUTION 2936 (XXVII) BY WHICH IT DECLARED, ON BEHALF OF THE STATES MEMBERS OF THE ORGANIZATION, THEIR RENUNCIATION OF THE USE OR THREAT OF FORCE IN ALL ITS FORMS AND MANIFESTATIONS IN INTERNATIONAL RELATIONS, IN ACCORDANCE WITH THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS, AND THE PERMANENT PROHIBITION OF THE USE OF NUCLEAR WEAPONS. IT IS TO BE NOTED, HOWEVER, THAT THE SECURITY COUNCIL DID NOT ACT UPON THE RECOMMENDATION OF THE GENERAL ASSEMBLY WHICH ASKED IT TO TAKE APPROPRIATE MEASURES FOR THE FULL IMPLEMENTATION OF THE DECLARATION, AND THAT NOT ALL NUCLEAR-WEAPON STATES SUPPORTED THE TWO RESOLUTIONS. REFERENCE COULD ALSO BE MADE TO THE DECLARATION ON THE PROHIBITION OF THE USE OF NUCLEAR AND THERMONUCLEAR WEAPONS, CONTAINED IN GENERAL ASSEMBLY RESOLUTION 1653 (XVI).

8. THE NATURE OF THE ARRANGEMENTS FOR THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE REQUIRES THAT THESE BE FORMAL, LEGALLY BINDING INSTRUMENTS, AND THAT THE TREATY-MAKING PROCESS SHOULD ACCORDINGLY UNCLASSIFIED

UNCLASSIFIED

PAGE 04 GENEVA 05928 01 OF 03 251116Z

BE COVERED BY THE INTERNATIONAL LAW OF TREATIES. WHILE THE DETAILS OF THIS PROCESS ARE NOT APPROPRIATE TO THIS STUDY, IT IS NECESSARY TO EMPHASIZE THE IMPORTANCE FOR THIS PARTICULAR TYPE OF ARRANGEMENT OF THE OBLIGATION INCURRED IN THE COURSE OF THAT PROCESS -- IN PARTICULAR THAT OF THE STATE TO REFRAIN FROM ACTS WHICH WOULD DEFEAT THE OBJECT AND PURPOSE OF THE TREATY WHEN: (A) ITS HAS SIGNED THE TREATY OR HAS EXCHANGED INSTRUMENTS CONSTITUTING THE TREATY SUBJECT TO RATIFICATION, ACCEPTANCE OR APPROVAL, UNTIL IT SHALL HAVE MADE ITS INTENTION CLEAR NOT TO BECOME A PARTY TO THE TREATY; (B) OR ITS HAS EXPRESSED ITS CONSENT TO BE BOUND BY THE TREATY, PENDING THE ENTRY INTO FORCE OF THE TREATY AND PROVIDED THAT SUCH ENTRY INTO FORCE IS NOT UNDULY DELAYED. (ARTICLE 18 OF THE VIENNA CONVENTION ON THE LAW OF TREATIES, 1969).

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 GENEVA 05928 02 OF 03 251213Z

42

ACTION ACDA-10

INFO OCT-01 ISO-00 AF-06 ARA-10 CIAE-00 DODE-00 EA-10

EUR-12 PM-03 H-02 INR-07 IO-10 L-03 NASA-02 NEA-10

NSAE-00 NSC-05 OIC-02 SP-02 PA-02 PRS-01 OES-05 SS-15

USIA-15 SAJ-01 NRC-07 /141 W
----- 066760

R 250925Z JUL 75

FM USMISSION GENEVA
TO SECSTATE WASHDC 4919
INFO USDEL SALT TWO GENEVA
ERDA/GERMANTOWN

UNCLAS SECTION 2 OF 3 GENEVA 5928

DISTO

9. IT SHOULD BE NOTED THAT THE TREATY CANNOT IMPAIR THE INHERENT RIGHT, UNDER ARTICLE 51 OF THE CHARTER, OF INDIVIDUAL OR COLLECTIVE SELF-DEFENCE IF AN ARMED ATTACK OCCURS AGAINST A MEMBER OF THE UNITED NATIONS UNTIL THE SECURITY COUNCIL HAS TAKEN MEASURES NECESSARY TO MAINTAIN INTERNATIONAL PEACE AND SECURITY. IT WAS ALSO ARGUED BY MANY EXPERTS THAT IT SHOULD BE INHERENT IN THE NATURE OF THE TREATY THAT IT SHOULD NOT BE ENTERED INTO FORCE WITH RESERVATIONS AS TO ITS PROVISIONS RELATING TO THE COMPLETE ABSENCE OF NUCLEAR WEAPONS FROM THE TERRITORY OF THE ZONE. IT WAS ALSO STATED THAT IT WOULD BE MOST DESIRABLE THAT SUCH A TREATY SHOULD BE CONCLUDED FOR AN UNLIMITED PERIOD OF VALIDITY.

10. DISPUTES ARISING IN RELATION TO THE FUNCTIONING AND INTERPRETATION OF A NUCLEAR-WEAPON-FREE ZONE TREATY MUST BE SETTLED BY PEACEFUL MEANS AND THE TREATY SHOULD CONTAIN ADEQUATE PROVISIONS IN THIS RESPECT. THE SETTLEMENT OF DISPUTES AS WELL AS THE AVOIDANCE OF THEIR APPEARANCE WOULD BE GREATLY FACILITATED BY THE EXISTENCE IN THE TREATY OF PROVISIONS FOR STRONG SAFEGUARDS AND CONTROL.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 05928 02 OF 03 251213Z

11. MANY EXPERTS EMPHASIZED THAT IN DEFINING THE TERRITORIES OF A NUCLEAR-WEAPON-FREE ZONE, THE ZONE PARTIES MUST RESPECT THE ESTABLISHED PRINCIPLES OF INTERNATIONAL LAW, INCLUDING THOSE RELATING TO THE HIGH SEAS AND TO STRAITS USED FOR INTERNATIONAL SHIPPING. SOME OF THESE EXPERTS EXPRESSED THE VIEW, SPECIFICALLY THAT A REGIONAL GROUP OF STATES COULD NOT, UNDER INTERNATIONAL LAW, INCLUDE WITHIN A ZONE ANY AREAS OUTSIDE THEIR TERRITORIAL JURISDICTION. ACCORDING TO THESE EXPERTS, THE INCLUSION OF INTERNATIONAL AIRSPACE OR THE HIGH SEAS, OR STRAITS USED FOR INTERNATIONAL SHIPPING WITHIN A NUCLEAR-WEAPON-FREE ZONE WOULD REQUIRE A DIFFERENT -- I.E. INTERNATIONAL -- APPROACH.

12. IN EXAMING THE LEGAL QUESTIONS POSED BY THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE, IT HAS BEEN MAINTAINED BY MANY EXPERTS THAT THE QUESTION OF THE LEGAL OBLIGATIONS OF NUCLEAR-WEAPON STATES WOULD BE OF PARTICULAR RELEVANCE, BECAUSE ALTHOUGH FROM A PURELY LEGAL STANDPOINT THE EXISTENCE OF THE ZONE NEED NOT NECESSARILY DEPEND ON RECOGNITION OR GUARANTEES BY THESE STATES, ITS EFFECTIVENESS WOULD. THIS VIEW WAS NOT ACCEPTED BY OTHER EXPERTS, WHO CONSIDERED THAT CIRCUMSTANCES WOULD VARY SO CONSIDERABLY THAT IT WAS IMPRACTICABLE TO ATTEMPT TO ESTABLISH GENERAL PRINCIPLES ON THIS MATTER.

13. IT WAS ALSO SUGGESTED THAT CONSIDERATION SHOULD BE GIVEN TO LEGAL QUESTIONS RAISED BY INCLUDING INTO THE DENUCLEARIZED ZONE AREAS OUTSIDE THE SOVEREIGNTY OF STATES, OR OF CREATING WHAT HAVE BEEN PREVIOUSLY DESCRIBED AS SAFETY AREAS. SOME EXPERTS MAINTAINED THAT IT WAS ESSENTIAL THAT SAFETY AREAS BE ESTABLISHED ADJACENT TO NATIONAL TERRITORIES IN ORDER TO MAKE A ZONE MORE EFFECTIVE. THEY ARGUED THAT THE ESTABLISHMENT OF SUCH SAFETY AREAS DID NOT REPRESENT A UNILATERAL IMPOSITION BY ZONAL STATES OF THE STATUS OF MILITARY DENUCLEARIZATION TO SUCH AREAS IN VIOLATION OF GENERAL RECOGNIZED NORMS OF INTERNATIONAL LAW, SINCE THE UNDERTAKING OF NUCLEAR WEAPON STATES TO CONSIDER AND RESPECT SUCH AREAS AS MILITARY DENUCLEARIZED ZONES WOULD BE NECESSARY. OTHER EXPERTS, HOWEVER, CONSIDERED THAT THE PROPOSAL RAISED LEGAL ISSUES WHICH WENT BEYOND THE SCOPE OF THIS STUDY, AND WHICH WERE NOT STRICTLY RELEVANT TO THE ISSUES INVOLVED IN CREATING NUCLEAR-WEAPON-FREE STATES.

RELATIONSHIP WITH EXISTING TREATIES

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 05928 02 OF 03 251213Z

14. IT IS UNDERSTOOD THAT TREATIES ESTABLISHING NUCLEAR-WEAPON-FREE ZONES SHOULD BE CONSISTENT WITH OTHER TREATY OBLIGATIONS OF THE ZONAL STATES. IF SUCH CONSISTENCY IS TO BE ACHIEVED, TWO

TYPES OF INSTRUMENTS WILL HAVE TO BE TAKEN INTO ACCOUNT: (A) THOSE OF GENERAL APPLICATION OR INTEREST, AND (B) THOSE OF PARTICULAR APPLICATION OR INTEREST. IN THE FIRST CATEGORY, APART FROM THE CHARTER OF THE UNITED NATIONS, CLOSE ATTENTION WILL HAVE TO BE PAID TO THE TREATY BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER, THE TREATY ON THE PROHIBITION OF EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEA-BED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF, THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND, FROM ANOTHER POINT OF VIEW, THE STATUTE OF IAEA. IN THE SECOND CATEGORY, IT WILL BE DESIRABLE THAT CONSISTENCY SHALL BE ACHIEVED WITH THE INSTRUMENTS APPLICABLE IN OTHER REGIONS, BUT IT WILL OF COURSE BE NECESSARY TO KEEP CLOSELY IN MIND THE COMMITMENTS WHICH THE STATES INVOLVED IN A PARTICULAR ZONE HAVE MADE UNDER ANY DEFENSIVE ALLIANCE -- MULTILATERAL OR BILATERAL -- AND UNDER SUCH CONVENTIONS OR AGREEMENTS AS THEY MAY HAVE CONCLUDED AMONG THEMSELVES OR WITH THIRD STATES ON SUCH MATTERS AS NUCLEAR CO-OPERATION.

15. THE VIEW WAS EXPRESSED BY MANY EXPERTS THAT NO PROPOSALS FOR NUCLEAR-WEAPON-FREE ZONES SHOULD PRESCRIBE STANDARDS OF COMPLIANCE LESS STRINGENT THAN IN THE NPT, AND THAT THE LEGAL OBLIGATIONS FOR STATES MEMBERS OF SUCH ZONES SHOULD BE FULLY COMPATIBLE WITH THOSE UNDER THE NPT. THIS OPINION WAS NOT SHARED, HOWEVER, BY OTHER EXPERTS.

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 GENEVA 05928 03 OF 03 251223Z

42

ACTION ACDA-10

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-10 CIAE-00 DODE-00

EA-10 EUR-12 PM-03 H-02 INR-07 L-03 NASA-02 NEA-10

NSAE-00 NSC-05 OIC-02 SP-02 PA-02 PRS-01 OES-05 SS-15

USIA-15 SAJ-01 NRC-07 /141 W

----- 066853

R 250925Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 4920

INFO USDEL SALT TWO GENEVA

ERDA GERMANTOWN

UNCLAS SECTION 3 OF 3 GENEVA 5928

16. IT WAS ALSO EMPHASIZED THAT PARTICIPATION IN A REGIONAL ARRANGEMENT DOES NOT MAKE PARTICIPATION IN UNIVERSAL TREATIES POINTLESS OR UNNECESSARY BECAUSE SUCH AN ACT WOULD UNDERLINE THE ADHERENCE TO MORE GENERAL NON-PROLIFERATION STANDARDS. SIMILARLY, REGIONAL ARRANGEMENTS--WHILE TAKING INTO ACCOUNT THE PARTICULAR CIRCUMSTANCES OF THE REGIONS--SHOULD BE MEANT TO GO BEYOND THE GENERAL STANDARDS AT LEAST ON TWO POINTS--THAT OF PROHIBITING THE PRESENCE OF NUCLEAR WEAPONS ON THE TERRITORY OF ZONAL STATES, AND ENSURING ADEQUATE MEANS FOR SAFEGUARDS AND VERIFICATION. THERE IS NOT ANY CONTRADICTION BETWEEN A UNIVERSALLY RESTRICTIVE NORM AND A REGIONAL PROHIBITING ONE IF THE LATTER IMPOSES A MORE STRICT REGIME OF NON-PROLIFERATION. IT WAS AGREED BY SEVERAL EXPERTS THAT THE NPT REAFFIRMS IN ITS ARTICLE VII THE RIGHT OF ANY GROUP OF STATES TO CONCLUDE REGIONAL TREATIES IN ORDER TO ASSURE THE TOTAL ABSENCE OF NUCLEAR WEAPONS IN THEIR RESPECTIVE TERRITORIES.

17. ON THE OTHER HAND, IT WAS POINTED OUT BY SOME EXPERTS THAT PARTICIPATION IN A REGIONAL ARRANGEMENT DOES NOT IMPLY RECOGNITION OR OBLIGATION TO ACCEDE TO UNIVERSAL TREATIES--FOR EXAMPLE, THE NPT. IT WAS NEVERTHELESS SUGGESTED BY SEVERAL EXPERTS THAT STATES CREATING NUCLEAR-WEAPON-FREE ZONES SHOULD BE UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 05928 03 OF 03 251223Z

PARTIES TO THE NPT.

18. IF STATES HAVING DE JURE OR DE FACTO RESPONSIBILITIES FOR ADMINISTERED TERRITORIES IN THE GEOGRAPHICAL ZONE ESTABLISHED BY A NUCLEAR-WEAPON-FREE ZONE TREATY AND ACCEPT THE ZONAL TREATY, THIS DOES NOT MEAN THAT THEY ACCEPT THE PRINCIPLE OF NON-PROLIFERATION OF NUCLEAR WEAPONS ON THE REST OF THEIR TERRITORY, BUT STRICTLY ON ITS TERRITORY WITHIN THE ZONE.

RELATIONSHIP WITH THE UNITED NATIONS

19. THE UNITED NATIONS, THE MAIN PURPOSE OF WHICH IS TO MAINTAIN INTERNATIONAL PEACE AND SECURITY, CONSTITUTES A CENTRE A CENTER FOR HARMONIZING THE ACTIONS OF NATIONS IN THE ATTAINMENT OF THEIR COMMON ENDS. IT IS THUS ONLY NATURAL THAT THE UNITED NATIONS HAS AND CAN PLAY A POSITIVE ROLE IN THE ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONES.

20. THE TREATY ESTABLISHING A NUCLEAR-WEAPON-FREE ZONE, AS ANY OTHER INTERNATIONAL LEGAL INSTRUMENT, SHOULD NOT CONFLICT WITH THE GENERAL OBLIGATIONS UNDERTAKEN BY STATES UNDER THE UNITED NATIONS CHARTER, AND IN CASE OF COLLISION BETWEEN THE PROVISIONS OF THE

CHARTER AND OTHER INSTRUMENTS, THE OBLIGATIONS UNDER THE CHARTER SHALL PREVAIL AS STIPULATED IN ARTICLE 103 OF THE CHARTER.

21. THE POSITIVE ROLE THAT UN MACHINERY CAN PLAY IN VARIOUS STATES OF THE ESTABLISHMENT AND FUNCTIONING OF NUCLEAR-WEAPON-FREE ZONES HAS BEEN FREQUENTLY EMPHSIZED. IT WAS INDICATED THAT THE UNITED NATIONS COULD USE ITS AUTHORITY IN SUPPORTING THE CONCEPT, COULD PROVIDE ASSISTANCE, AND IF, NECESSARY, THE MACHINERY TO ENABLE THE STATES CONCERNED TO MAKE PROGRESS IN THEIR DIRECT CONSULTATIONS, OR COULD EXERT INFLUENCE REGARDING THE UNDERTAKING BY NUCLEAR WEAPON STATES OF OBLIGATIONS VIS-A-VIS SUCH ZONES. IT HAS BEEN PROPOSED THAT ONE POSSIBLE ROLE FOR THE UNITED NATIONS NOT SUFFICIENTLY EXPLORED SO FAR COULD BE THE FIELD OF SAGEGUARDS AND CONTROL, TAKING FULL ADVANTAGE OF THE UNITED NATIONS FAMILY OF ORGANIZATIONS. IN SOME CASES LEGAL ADVICE ON DRAFTING THE TREATY COULD BE CONSIDERED.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 05928 03 OF 03 251223Z

22. IN VIEW OF THE UN FUNCTION IN RESPECT TO SETTLEMENTS OF INTERNATIONAL DISPUTES, A NUCLEAR-WEAPON-FREE ZONE COULD BENEFIT FROM THE EXISTING UN MACHINERY, INCLUDING THE INSTITUTIONS MENTIONED IN CHAPTERS VI AND VII OF THE CHARTER RELATED TO THE PACIFIC SETTLEMENT OF DISPUTES AND ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION. REFERENCE TO THIS POSSIBLE FUNCTION OF THE UN COULD BE FOUND IN OTHER CHAPTERS OF THE STUDY. REFERENCE HAS ALSO BEEN MADE TO SECURITY COUNCIL RESOLUTION 255 (1968), BUT IT IS SUGGESTED BY SOME EXPERTS THAT MORE SUBSTANTIAL MEASURES AND FORMULAE THAN THIS RESOLUTION WILL HAVE TO BE FOUND IN ORDER TO GIVE GREATER EFFECTIVENESS AND PRACTICABILITY TO THE GENERAL OBLIGATION ALREADY BORNE BY THE UNITED NATIONS IN THIS CONNEXION. THESE CONSIDER THAT A STRONGER LINK BETWEEN THE SYSTEM OF SAFEGUARDS AND CONTROL IN THE ZONE AND THE SYSTEM OF COLLECTIVE SECURITY UNDER THE UNITED NATIONS CHARTER SHOULD BE CREATED. ONE EXAMPLE COULD BE THAT OF THE DETECTION OF A VIOLATION OF TREATY PROVISIONS WHICH COULD THEN BE REFERRED TO THE SECURITY COUNCIL AS A MATTER THREATENING INTERNATIONAL PEACE AND SECURITY.

23. IT IS FELT THAT IN VIEW OF THE OVERALL RESPONSIBILITIES OF THE UNITED NATIONS IN THE FIELD OF ARMS CONTROL AND DISARMAMENT, IT WOULD BE APPROPRIATE THAT THE PARTIES TO NUCLEAR-WEAPON FREE ZONE TREATIES SHOULD CONVEY TO THE UNITED NATIONS AS A MATTER OF COURSE THROUGH THE SECRETARY-GENERAL, OR ANY OTHER WAY, PERIODIC INFORMATION ABOUT THE IMPLEMENTATION OF THE PURPOSES AND PROVISION OF THE TREATY.

END TEXT DALE

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: RESEARCH, AGREEMENT DRAFT, NUCLEAR FREE ZONES, PEACEFUL USES OF ATOMIC ENERGY
Control Number: n/a
Copy: SINGLE
Draft Date: 25 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA05928
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750257-0384
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750722/aaaaatxf.tel
Line Count: 440
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ACDA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 9
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 28 FEB 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 FEB 2003 by ThomasVJ>; APPROVED <15 MAR 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CCD - SECOND DRAFT OF NWFZ STUDY, CHAPTER VI FOLLOWING IS TEXT OF SECOND DRAFT OF CHAPTER SIX (NUCLEAR-WEAPON-
TAGS: PARM, CCD
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006